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OFFICE OF PETITIONS

In re Application of	:	
Donald W. Berrian	:	
Application No. 10/032,664	:	DECISION ON PETITION
Filed: October 19, 2001	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: 389335	:	
Title: SYSTEM AND METHOD FOR	:	
RAPIDLY CONTROLLING THE OUTPUT	:	
OF AN ION SOURCE FOR ION	:	
IMPLANTATION	:	

This is a decision on the petition filed June~~2~~9, 2004, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The Office regrets the period of delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 25, 2003, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 26, 2003. A notice of abandonment was mailed on April 20, 2004.

With the present petition, Petitioner has asserted that a response was submitted on February 24, 2004, and has submitted a postcard receipt which contains a date stamp from the Office of Initial Patent Examination dated February 24, 2004. Petitioner has further submitted an Express Mail label which contains this same date.

Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated February 24, 2004, along with a petition for a three-month extension of time.

It is noted that Petitioner has failed to provide a statement from the individual who executed the certificate of mailing, however the electronic file has been reviewed, and a copy of this response has been located in the same. Furthermore, Office records show that a three-month extension of time was charged to Petitioner's Deposit Account on February 24, 2004.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted on February 24, 2004. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment which was received on February 24, 2004 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).